SUPREME COURT, U. S

FILED

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MICHAEL RODAK, JR.

No. 73-1200

# In the Supreme Court of the United States

OCTOBER TERM, 1973

COMMONWEALTH OF PENNSYLVANIA, ET AL., PETITIONERS

*v.*

UNITED STATES OF AMERICA, ET AL.

*ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT*

## MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ROBERT H. BORK,
*Solicitor General,*
*Department of Justice,*
*Washington, D.C. 20530.*

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## MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Petitioners seek review of judgments of the court of appeals (Pet. App. 7a, 11a) upholding the jurisdiction of the United States District Court for the District of New Jersey, sitting as a reorganization court, to review Interstate Commerce Commission orders deciding abandonment applications, and to enjoin petitioners and the other parties to the reorganization from seeking review of such orders in any other district court (Pet. App. 9a-10a, 12a-14a).

In *Matter of the Central Railroad Company of New Jersey*, 455 F. 2d 989, certiorari denied *sub nom. Pennsylvania* v. *United States*, 409 U.S. 894, petitioners unsuccessfully sought review of the same issue with respect to prior orders of the same reorganization court.

For the reasons set forth in the opinion of the court of appeals (Pet. App. 1a-6a), upon which we rely, and for the additional reasons urged by the government in its brief in opposition filed in the prior proceedings,[1] petitioners' contentions are without merit.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
*Solicitor General.*

MARCH 1974.

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[1]We are serving counsel for all parties with copies of our brief in that proceeding.

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